

REMARKS

Applicants' attorney thanks the Examiner for his remarks in this Patent Application. Independent Claims 1, 18 and 19 have been amended to recite the polyolefins are selected from the group consisting of linear low density polyethylene, branched low density polyethylene, high density polyethylene and combinations thereof, as supported in Claims 10-12, for example. Claim 13 has been canceled. Independent Claims 1, 18, 19 and 26 have been amended to recite the strapping does not longitudinally split under tension and has low stretchability, as supported on page 1, lines 1-4, page 2, lines 10-13, page 4, lines 14-15, for example.

Dependent Claim 4 has been amended to recite the strapping comprises 99.5-99.8% by weight of the polyester and 0.2-0.5% by weight of the one or more polyolefins, as supported on page 2, line 30 to page 3, line 2 and page 4, lines 5-8, for example. Dependent Claims 16 and 24 have been amended to recite the elastomeric material does not reduce the longitudinal stretching resistance of the strapping, as supported on page 5, lines 20-22, for example.

New dependent Claim 29 recites a surface of the strapping is embossed with a pattern or a design as supported on page 6, lines 7-9, for example. New dependent Claim 30 recites a uniaxially oriented length which is about 3-7 times an initial, unstretched length, as supported in Claim 27, for example.

Now new matter has been added with this amendment. No additional claim fee is required with this amendment, since the number of independent claims and the total number of claims remains less than previously paid for.

Telephone Interview Summary

Applicants' attorney, John Poliak, thanks Examiner Ferguson for his comments and courtesies extended during the 17 December 2007 telephone interview in this Patent Application. The rejections of the 15 November 2007 Office Action and a proposed response were discussed.

The Examiner indicated that submitting the Abstract on a separate page would likely overcome the objection based on the Abstract. The Examiner indicated that Hughes discloses a polyester and polypropylene. Applicants' recited combination of a polyester and an a polyolefin selected from the group consisting of linear low density polyethylene, branched low density polyethylene, high density polyethylene and combinations thereof may be distinguishable over Hughes.

The Examiner indicated there is likely sufficient support for the ranges of proposed amended Claim 4 and these ranges likely further distinguish Hughes. Applicants stated Claim 24 adds an elastomer but unexpectedly does not stretch. No agreement of allowable subject matter was reached since an updated search may be conducted regarding the additional limitations.

Objection under 37 C.F.R. 1.52(b)(4)

The objection of the abstract under 37 C.F.R. 1.52(b)(4) for not commencing on a separate page is respectfully traversed. Applicants have replaced the abstract with one having the same content on a separate page.

Claim Rejections under 35 U.S.C. § 102(b)

The rejection of Claims 1-5, 9, 12-13, 15 and 18-22 under 35 U.S.C. § 102(b) as being anticipated by Hughes, U.S. Patent 3,548,048, is respectfully traversed. Anticipation requires disclosure of each and every claim element. (MPEP § 2131).

Independent Claims 1, 18 and 19 recite a strapping comprising a **polyester and one or more polyolefins** selected from the group consisting of linear low density polyethylene, branched low density polyethylene, high density polyethylene and combinations thereof, where the strapping does not longitudinally split under tension and has low stretchability.

The Examiner cites Hughes for allegedly disclosing a strapping comprising two polymer components. Hughes actually discloses combinations of polymers "used in making the fibrillated products of this invention." (Column 3, lines 49-50). Specifically, the Examiner cites the tables in Columns 3 and 4 which do disclose various polymer compounds (by polymer number in the tables) including: 1. low-density polyethylene, 3. high density polyethylene and 12. poly(ethylene terephthalate).

However, the combinations disclosed under the tables do not list the combination of a polyester with the Applicants' claimed polyolefins (1., and/or 3.). Specifically, 12. poly(ethylene terephthalate) is only disclosed with Nylon 6/10 and Nylon 6 (both polyaramids). Claim 5 recites polyethylene terephthalate in combination with linear low density polyethylene, branched low density polyethylene, high density polyethylene and combinations thereof. Applicants' combinations of polymers are not disclosed by Hughes.

Furthermore, the combinations in Hughes are described as suitable for fibrillated products. Fibrillated products are "split along lines parallel to orientation" (Column 1, lines 35-36 and see column 1, lines 33-38). In contrast, Applicants' claimed invention recites the strapping does not longitudinally split under tension.

Regarding Claim 4, Hughes discloses "a major amount of from about 55 to about 99 weight percent ... while ... a minor amount of from about 1 to about 45 weight percent based on the total weight of the product." (Column 2, lines 55-60). In contrast, Applicants' ranges in Claim 4 recite

values of 99.5-99.8% by weight of the polyester and 0.2-0.5% weight of the polyolefins. Applicants' ranges in Claim 4 are nonoverlapping with the ranges disclosed in Hughes.

For at least the reasons stated above (combination of polymers, not splitting and weight percent polymers), Applicants' claimed invention is not anticipated by Hughes.

Claim Rejection under 35 U.S.C. § 103(a)

a) Hughes in view of Heckerman

The rejection of Claims 10, 23 and 26-28 under 35 U.S.C. § 103(a) as being obvious over Hughes in view of Heckerman, U.S. Patent 4,827,575, is respectfully traversed. Claims 10 and 23 depend from independent Claims 1 and 19, and are patentable for at least the reasons stated above.

Heckerman does not close the gaps of Hughes to arrive at Applicants' claimed invention. Heckerman is cited for allegedly disclosing a strap formed from linear low density polyethylene. Heckerman actually discloses a carrying strap and a gripper, where the strap stretches under load. (*See*, Abstract). In contrast, Applicants' strap has low stretchability.

Regarding, Claims 26-28, the Examiner asserts that the stretching in a longitudinal direction is a product by process limitation and "given no patentable weight." Applicants respectfully disagree. Stretching the material orients the molecules and the amount of stretching is directly proportional to the amount of orientation. (*See*, page 7, lines 16-26). Therefore, the amount of stretch structurally describes the amount of molecular orientation. Accordingly, stretching is not a product by process limitation and should be given full consideration by the Examiner.

Furthermore and as discussed above with respect to Claims 1, 18 and 19, Claim 26 recites the strapping does not longitudinally split under tension and has low stretchability.

“Ascertaining the differences between the claimed invention and the prior art requires interpreting the claim language, see MPEP § 2111, and considering **both the invention and the prior art as a whole.**” (MPEP § 2141(II)(B), E8r6, emphasis added). In this case, Applicants’ claimed invention includes the combination of a polyester and certain specific polyolefins. Hughes in combination with Heckerman does not disclose Applicants’ combination. Put another way, just because items are listed in references does not mean all combinations of those items are obvious, but the prior art as a whole must be considered. In this case, Hughes does not disclose the combination of Applicants’ claimed materials, but actually discloses other specific combinations as suitable for the fibrillated materials (different than Applicants’ not splitting under load).

For at least the above reasons, Hughes and Heckerman, in combination, do not teach or suggest Applicants’ claimed polymer combination or a strapping that does not longitudinally split under tension and has low stretchability. Accordingly, this claim rejection should be withdrawn.

b) Hughes in view of Nishimura

The rejection of Claims 6-8 under 35 U.S.C. § 103(a) as being obvious over Hughes in view of Nishimura, U.S. Patent 5,607,183, is respectfully traversed. Claims 6-8 depend from independent Claims 1 and are patentable for at least the reasons discussed above.

Nishimura does not overcome the gaps of Hughes to arrive at Applicants’ claimed invention. Nishimura is cited for allegedly disclosing

polybutylene terephthalate, polyethylene naphthalate and polyethylene isophthalate. Nishimura actually discloses an air bag with reinforcing straps.

For at least the above reasons, Hughes and Nishimura, in combination, do not teach or suggest Applicants' claimed polymer combination or a strapping that does not longitudinally split under tension and has low stretchability. Accordingly, this claim rejection should be withdrawn.

c) Hughes in view of Maugans

The rejection of Claim 11 under 35 U.S.C. § 103(a) as being obvious over Hughes in view of Maugans, U.S. Patent 6,270,891, is respectfully traversed. Claim 11 depends from independent Claim 1 and is patentable for at least the reasons discussed above.

Maugans does not overcome the gaps of Hughes to arrive at Applicants' claimed invention. Maugans is cited for allegedly disclosing a branched linear low density polyethylene. Maugans actually discloses an ethylene polymer having seal performance.

For at least the above reasons, Hughes and Maugans, in combination, do not teach or suggest Applicants' claimed polymer combination or a strapping that does not longitudinally split under tension and has low stretchability. Accordingly, this claim rejection should be withdrawn.

d) Hughes in view of Steinkamp

The rejection of Claims 14 and 25 under 35 U.S.C. § 103(a) as being obvious over Hughes in view of Steinkamp, U.S. Patent 3,862,265, is respectfully traversed. Claims 14 and 25 depend from independent Claims 1 and 19, respectively, and are patentable for at least the reasons discussed above.

Steinkamp does not overcome the gaps of Hughes to arrive at Applicants' claimed invention. Steinkamp is cited for allegedly disclosing a polar monomer. Steinkamp actually discloses modified polymers.

For at least the above reasons, Hughes and Steinkamp, in combination, do not teach or suggest Applicants' claimed polymer combination or a strapping that does not longitudinally split under tension and has low stretchability. Accordingly, this claim rejection should be withdrawn.

e) Hughes in view of Nagi

The rejection of Claims 16-17 and 24 under 35 U.S.C. § 103(a) as being obvious over Hughes in view of Nagi, U.S. Patent 4,248,991, is respectfully traversed. Claims 16-17 and 24 depend from independent Claims 1 and 19, respectively, and are patentable for at least the reasons discussed above.

Nagi does not overcome the gaps of Hughes to arrive at Applicants' claimed invention. Nagi is cited for allegedly disclosing an elastic material. Nagi actually discloses elastic strapping.

Claims 16 and 24 recite the elastomeric additive does not reduce the longitudinal stretching resistance of the strapping. Therefore, Applicants' invention has unexpected results. Put another way, one skilled in the art would not expect to add an elastic material to a polymer mixture and arrive at Applicants' strapping having low stretchability, given the teachings of Nagi.

For at least the above reasons, Hughes and Nagi, in combination, do not teach or suggest Applicants' claimed polymer combination or a strapping that does not longitudinally split under tension and has low stretchability. Accordingly, this claim rejection should be withdrawn.

New Claims

New Claims 29 and 30 depend from Claim 1 and are patentable for at least the reasons discussed above.

Regarding Applicants' new claim 29, the five above cited references individually and/or in combination do not disclose or suggest the strapping being embossed with a pattern or a design.

Regarding Applicants' new claim 30 and as discussed above, the stretching limitation creates a structural difference in the degree of molecular orientation of the strapping. The five above cited references individually and/or in combination do not disclose or suggest the strapping stretched to about 3-7 times an initial, unstretched length.

For at least the reasons discussed above, these claims are patentably distinguished versus the cited references.

Conclusion

For at least all the foregoing reasons, the claims as presently amended are believed to be allowable over the art of record. A notice to that effect is earnestly solicited.

Respectfully submitted,



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